

BOARD BILL NO. 87

INTRODUCED BY: ALDERMAN FREEMAN BOSLEY, SR.

1 An ordinance recommended by the Board of Public Service to conditionally vacate above surface,
2 surface and sub-surface rights for vehicle, equestrian and pedestrian travel in Pleasant Street from
3 Carter Avenue northwardly 136.79 feet to a point adjacent to City Block 1404 and 1406 in the City
4 of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in
5 conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such
6 vacation.

7 BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

8 **SECTION ONE:** The above surface, surface and sub-surface rights of vehicle, equestrian
9 and pedestrian travel, between the rights-of-way of:

10
11 A parcel of ground in City Block 1404 and 1406, in the City of St. Louis, Missouri,
12 more particularly described as follows:

13
14 Beginning at the western line of Pleasant Avenue, 50 feet wide, with
15 the northern line of Carter Street, 60 feet wide; thence north 45
16 degrees 05 minutes 40 seconds west 136.79 feet, along the western
17 line of said Pleasant Avenue, to a point; thence north 44 degrees 54
18 minutes 20 seconds east 50.00 feet , to a point in the eastern line of
19 said Pleasant Avenue; thence south 45 degrees 05 minutes 40
20 seconds east 136.79 feet, along the eastern line of said Pleasant
21 Avenue, to the northern line of said Carter Street, to a point; thence
22 south 44 degrees 54 minutes 20 second west 50.00 feet, to the
23 western line of said Pleasant Avenue, and to the Point of Beginning
24 and containing 6,840 square feet as prepared by Pitzman's Company.

25
26 are, upon the conditions hereinafter set out, vacated.

27 **SECTION TWO:** Citybrook II, LLC and Pleasant City, LLC will use proposed vacated
28 area to consolidate property.

29 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by
30 the foregoing conditionally vacated street, are reserved to the City of St. Louis for the public
31 including present and future uses of utilities, governmental service entities and franchise holders,

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1 except such rights as are specifically abandoned or released herein.

2 **SECTION FOUR:** The owners of the land may, at their election and expense remove the
3 surface pavement of said so vacated street provided however, all utilities within the rights-of-way
4 shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

5 **SECTION FIVE:** The City, utilities, governmental service entities and franchise holders
6 shall have the right and access to go upon the land and occupation hereof within the rights-of-way
7 for purposes associated with the maintenance, construction or planning of existing or future
8 facilities, being careful not to disrupt or disturb the owners interests more than is reasonably
9 required.

10 **SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s)
11 vacated without: 1) lawful permit from the Building Division or Authorized City agency as
12 governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental
13 service entities and franchise holders, present or future. The written consent with the terms and
14 conditions thereof shall be filed in writing with the Board of Public Service by each of the above
15 agencies as needed and approved by such Board prior to construction.

16 **SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities
17 of a utility, governmental service entity or franchise holder by agreement in writing with such
18 utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the
19 undertaking of such removal.

20 **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within
21 the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must
22 have curbing cobblestones returned to the Department of Streets in good condition.

23 **SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty
24 (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to

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1 exceed three (3) days prior to the affidavit submittal date as specified in the last section of this
2 ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if
3 applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be
4 deposited by these agencies with the Comptroller of the City of St. Louis.

- 5 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of
6 Water facilities, if any.
- 7 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of
8 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must
9 be returned.
- 10 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments
11 of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as
12 specified in Sections Two and Eight of the Ordinance.

13 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director
14 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing
15 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit
16 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted
17 within the prescribed time the ordinance will be null and void.

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